UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/1991/SR.23
13 December 1991

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 December 1991, at 3 p.m.

Chairman: Mrs. BONOAN-DANDAM

later: Mr. ALSTON

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GE.91-18923/4039B

The meeting was called to order at 3.15 p.m.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 9) (continued) (E/C.12/1991/WP.6)

1. Mr. SIMMA, introducing the draft recommendations to the Preparatory Committee for the World Conference on Human Rights (E/C.12/1991/WP.6) noted that the first preambular paragraph of the document referred to the relevant resolutions and decisions adopted on the subject to date, and concluding with a resolution adopted by the Third Committee on 22 November 1991, for adoption by the General Assembly at its current session.

2. The objectives of the Conference could be summarized as including any action which might serve the cause of human rights. The Committee on Economic, Social and Cultural Rights, in common with the other treaty bodies, had been asked for ideas relating both to the preparation of the Conference and its agenda. The sessional working group had formulated the draft recommendations before the Committee. They were based on working papers prepared by Mr. Alvarez Vita and Mr. Konate, input by other members of the working group, Mr. Alston's 1989 study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668) and the recommendations of the other treaty bodies.

3. The draft recommendations were more extensive than those of the other treaty bodies because the Committee would not meet again until late 1992 when the Preparatory Committee would have done most of its work. The Committee should therefore submit specific suggestions at the present stage. The preamble rehearsed the fundamental ideas relating to human rights to remind the Preparatory Committee that the Committee's specific suggestions were based on those assumptions.

4. Paragraph 1 of the document decided to request its Chairperson or other designated members of the Committee to represent the Committee at all further sessions of the Preparatory Committee. That decision was identical to the decisions of all the other human rights bodies and complied with a request from the General Assembly, the Commission on Human Rights and the Preparatory Committee itself.

5. Paragraph 2 (a) to (o) listed 15 recommendations relating either to the preparatory work for the Conference or to the Conference agenda, as for example in paragraph 2 (b) and (c). He would like to have the views of the Committee on paragraph 2 (d) which suggested that not only the Chairpersons but all members of human rights treaty bodies should be invited to attend the Conference as observers. Paragraph 2 (e) was taken from the recommendations put forward by the Committee on the Rights of the Child; paragraph 2 (f) to (j) had been taken from Mr. Konate's working paper. With regard to paragraph 2 (k), he recalled that all the relevant General Assembly and Commission on Human Rights resolutions proposed as one of the objectives of the Conference a comprehensive evaluation of the implementation procedures of human rights instruments. It was therefore natural for the Committee on Economic, Social and Cultural Rights to focus on that objective. The proposal in paragraph 2 (l) to (o) went beyond the reporting system. Paragraph 2 (m)

proposed that steps should be taken to enhance the efficiency of the Centre for Human Rights. With regard to paragraph 2 (n), he drew attention to the proposals to explore the issue of the creation of an International Court for Human Rights and the establishment of a (research) Institute for Human Rights connected with the Geneva Centre. With reference to paragraph 2 (o), since the General Assembly and other resolutions had called for suggestions for "analytical and action-oriented" studies he had listed five topics, which, like the list of issues under paragraph 2 (n), had been selected after informal consultations with members of the Committee.

6. In conclusion, he drew attention to a number of corrections which should be made to the text of document E/C.12/1991/WP.6: in the third line of draft recommendation (h) (i), "hard stick" should read "yardstick"; in the first line of (k) (iii) "merge" should read "merger" and in the first line of (k) (vi), "expertise of members of" should read "expertise of the". Finally, after discussion, draft recommendation (m) had been amended to read: "Steps should be taken to ameliorate the efficiency of the Centre for Human Rights by strengthening its staff, in particular by recruiting new personnel already having experience in international human rights matters, revising the Centre's international organization of work and bringing to bear modern management techniques;".

7. Mr. ALVAREZ VITA said that he was at a loss to understand why the word "interdependent" was not used in referring to human rights and fundamental freedoms in the second preambular paragraph.

8. He also wondered whether the decision in paragraph 1 that the Chairperson should represent the Committee at the sessions of the Preparatory Committee tallied with the recommendation in paragraph 2 (d) that all members of the Committee should be invited to attend the World Conference.

9. Mr. SIMMA agreed that there had been discussion in the sessional working group about the phrase used in the second preambular paragraph: indeed it was a discussion over the use of words which had been going on for decades. He had hoped he had done justice to Mr. Alvarez Vita's request by taking the text of the second preambular paragraph verbatim from the Third Committee's resolution for adoption by the General Assembly and by using Mr. Konate's text in paragraph 2 (f) and (g) in which the word "interdependent" appeared.

10. Mr. ALVAREZ VITA said it seemed to him strange, in a document for adoption by the Committee, that the terminology used to describe human rights should be different in the preambular and the operative parts. The words "indivisible, interdependent" were used as a subheading in Fact Sheet No. 16, on the work of the Committee on Economic, Social and Cultural Rights, published by the Centre for Human Rights as an official United Nations document (ISSC 1014-5567, p. 8). Furthermore, in paragraph 28 of the discussion note on the question of drafting an optional protocol to the Covenant (E/C.12/1991/WP.2), there was an explicit reference to "the doctrine of the interdependence and indivisibility of all human rights".

11. Mr. MRATCHKOV said that he supported the draft recommendations as a whole but he would like to suggest a few amendments. In paragraph 2 (g), the words "and indivisible" should be added in the first line after the word

"interdependent", referring to the twin concepts. In the last line of paragraph 2 (h) (i), after the words "the beneficiaries of progress made" should be added the words "in the development of the States parties". In paragraph 2 (k) (i), relating to the use of advisory services, the words "and practice" should be added after the phrase "bringing domestic legislation", since national practice in States parties formed a vital aspect of their obligations. Furthermore, in the following topic under paragraph 2 (k) (i), he wondered about the use of the word "consolidation" in reference to the reports. The contents of such reports must correspond to the differing contents of the various instruments. He thought that the desirable goal was more uniformity in the presentation and drafting of reports, rather than the production of standardized reports. He had considerable reservations about the suggestion in brackets of going as far as preparing one single comprehensive report.

12. Mr. Alston took the Chair.

13. Mrs. JIMENEZ BUTRAGUEÑO said that the Spanish text of paragraph 2 (h) (iii), did not make the meaning clear. She also had reservations about the suggestion in paragraph 2 (k) (i) of consolidating the reports of States parties. The Committee had just formulated new guidelines and it was too early to contemplate any further modifications. With regard to paragraph 2 (o) (v), she felt that children should be given priority among the vulnerable members of society; migrants and minorities might also be mentioned. A reference to the situation of women in some parts of the world was also desirable.

14. Mr. MUTERAHEJURU said that when the third and fourth preambular paragraphs were read in conjunction with paragraph 2 (h) (iii), it appeared preferable to emphasize the process of democratic reform rather than the transition from centrally planned to market economies, which in his view was merely a consequence of the democratic changes under way throughout the world.

15. Mr. KONATE endorsed Mr. Muterahejuru's remark and said that he too felt that the expression "democratic transition" would be more appropriate in the third preambular paragraph, as it would encompass both the political and the economic changes under way. Regarding Mr. Alvarez Vita's concern about the absence of the word "interdependent" from the second preambular paragraph, he thought that the problem might be merely one of translation, as the French text used the word interdépendent. He concurred with Mr. Mratchkov that the words "and indivisible" should be inserted after the word "independent" in paragraph 2 (g); regarding his remark on paragraph 2 (h) (i) he suggested inserting the words "in that field" after the word "progress" in the last line of the paragraph. In the French version of paragraph 2 (k) (ii), he suggested that the word désirabilité in the first line should be replaced by the word opportunité.

16. With regard to the remarks by Mrs. Jimenez Butragueño concerning the examples given between brackets in paragraph 2 (o) (v) he said that the list of examples of particularly vulnerable members of society could be expanded, although that might prove cumbersome, or simply deleted.

17. Mr. SIMMA, commenting on the suggestions made by members of the Committee first of all said that there would be no problem in replacing the word désirabilité by opportunité, and no change would be required in the English version. Regarding the list of examples of the most vulnerable members of society, the categories chosen were those that were currently being studied by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and he was not in favour of lengthening the list as that would reduce the likehood of the studies ever being prepared. If any change were made he would prefer the examples to be deleted.

18. With regard to the point made both by Mr. Muterahejuru and Mr. Konate, concerning the transition from centrally planned to market economies and the countries engaged in democratic reform, he said that the paragraphs in question addressed different issues. The third preambular paragraph specifically concerned States such as the States of the former Eastern Bloc that were undergoing transition from centrally planned to market economies, as a result of which they faced particular difficulties in ensuring adequate implementation of the Covenants. Paragraph 2 (h) (iii) concerned countries such as the so-called "little tigers" that were making great strides in the economic sphere, but at considerable cost to democracy.

19. He entirely agreed with Mr. Mratchkov that the words "and practice" should be inserted after the words "domestic legislation" in paragraph 2 (k) (i). With regard to the apparently controversial idea of consolidating reports by different treaty bodies, advanced in the same paragraph, he pointed out that the World Conference would be on the lookout for new ideas, and that the idea of a consolidation of the treaty bodies themselves had even been advanced. It was important for the Committee's recommendations to go beyond established bureaucratic practice and to suggest innovations that would undoubtedly be welcomed by the World Conference. Lastly, with regard to the discussion on the word "interdependent", he suggested there was no other way of translating "interrelated" into French than by interdépendent, and that it would be sufficient to use that word in the French text, and "interrelated" in the English version.

20. Mr. FOFANA said that although most of his concerns had already been addressed by other members of the Committee, he felt, with regard to paragraph 2 (a), that while it was important to induce States Members of the United Nations to become parties to the two International Covenants, before addressing the issue of the possible unification of reporting procedures, it was even more important to encourage State to submit the reports required under the Covenants. The Economic and Social Council had already criticized those States that had never submitted reports to the human rights treaty bodies, and he felt that it was important for the Committee to address that issue. Although paragraph 2 (k) (v) mentioned the reporting obligations of States, he would like the matter to be specifically addressed in paragraph 2 (a).

21. Mr. NENEMAN drew attention to the need to specify more precisely in paragraph 1 exactly how other members of the Committee were to be designated to represent it at all further sessions of the Preparatory Committee. He agreed with Mr. Fofana about the need specifically to address the issue of those States that had not submitted reports in compliance with their treaty obligations, and suggested that they should perhaps be singled out in a

separate paragraph. The recommendations rightly advanced innovative ideas, as was appropriate for a Conference that was held only once in a decade. However, he was somewhat concerned about the excessively technical nature of some of the recommendations concerning the work of the Committee itself, such as the need for better coordinated reporting cycles and for sufficient meeting time for the treaty bodies, which were perhaps not appropriate in a document of that nature.

22. Mr. MARCHAN ROMERO said that the stimulating debate which had taken place the previous day on the issue of social and economic indicators deserved to be reflected in the recommendations to the World Conference. The Committee's prime obligation was to monitor compliance by States with their obligations under the International Covenant on Economic, Social and Cultural Rights. Although the field of social and economic indicators was a complex and controversial one, he felt that such indicators were a vital tool to allow the Committee to assess the degree to which States parties complied with their obligations. The Committee's recommendations should take up the issue of social and economic indicators and he suggested inserting the following paragraph: "to encourage all United Nations treaty bodies to intensify their debates and studies, either individually or with the assistance of the specialized agencies and, if necessary, non-governmental organizations, in order to progress with the analysis of the most suitable indicators to assess the progress by States parties in complying with their obligations under the International Human Rights instruments."

23. Mr. WIMER ZEMBRANO said that he shared Mr. Alvarez Vita's concern about the absence of the word "interdependent" from the English version of the recommendations. In his view, there was no doubt that the word interdépendent in French and interdependiente in Spanish indicated a stronger relationship than was suggested by "interrelated" in English. With regard to the examples of particularly vulnerable members of society proposed in paragraph 2 (o) (v), he felt that it was preferable to delete them, as specific groups were vulnerable in some countries but not in others, and any attempt to designate specific groups as being universally vulnerable might lead to a sterile debate.

24. Mr. KOUZNETSOV said that he strongly supported Mr. Marchan Romero's suggestion for the inclusion of a paragraph to give greater emphasis to the major issue of social and economic indicators. His earlier scepticism about the subject had been transformed by the previous day's debate into a realization of the importance for the work of the Committee of cogently assembled statistics. He proposed the insertion of an additional paragraph, which, if acceptable to the Committee, would become paragraph 2 (o) (vi), and which would read as follows: "The most important statistical indicators suitably reflecting the real situation as regards the observance of economic, social and cultural rights in States parties." He had been struck by the remark made on the previous day to the effect that the field of social and economic indicators was a nightmare, and believed a study by the secretariat of the most important indicators would be of considerable value to the Committee.

25. The CHAIRMAN said that it was within the Committee's brief to ask the Secretary-General to prepare a study on the feasibility of tailoring social

and economic indicators for the specific purposes of the Committee, and it could make such a request directly to the Secretary-General without having to wait until the World Conference.

26. Mr. SIMMA said that Mr. Marchan Romero and Mr. Kouznetsov had made an important point that deserved to be mentioned at some point in the Committee's recommendations. The reason why he had not included the topic in the list of studies in paragraph 2 (o) was because it had been his understanding that the process of studying the issue was already well under way and he had felt that it would be superfluous to request a further study. Mr. Türk had devoted several years to the topic, and a workshop and an expert meeting on the subject were already planned. In the light of those circumstances, he had felt that it would be superfluous to ask the secretariat to pursue the matter further. In his view, any studies for the Committee's purposes should be short and action-oriented.

27. The CHAIRMAN said that he did not believe that any of the many studies already under way were specifically aimed at satisfying the needs of the Committee.

28. Mr. MARCHAN ROMERO said that the amendment he had proposed had been prompted precisely by the fact that, as had clearly emerged from the previous day's discussion, there was as yet no agreement on indicators and that human rights treaty monitoring bodies should be encouraged to continue their work.

29. The CHAIRMAN suggested the deletion of the words "by the secretariat" in paragraph 2 (o).

30. Mr. ALVAREZ VITA, returning to what he saw as the fundamental issue of conformity between the various language versions, said that the words "interdependence" and "interrelationship" were clearly not synonymous, whether in Spanish, French or English. He could not agree to aligning the other language versions on the English version of the second preambular paragraph as it now stood, since to lose the notion of the interdependence of human rights would be tantamount to changing a long-standing body of United Nations doctrine in that field. Wisdom therefore dictated the use of all three words - indivisible, interrelated and interdependent.

31. The CHAIRMAN said that he appreciated the importance of the issue and had no objection to the use of the three words.

32. Mr. WIMER ZAMBRANO said that he considered the use of the word "interrelated" to be superfluous, and saw no reason to use three words where two would suffice.

33. The CHAIRMAN said that his understanding of the background to the issue was that the developing countries favoured the maintenance of the terms "interdependent" and "indivisible" used since about 1950 - a view he shared - whereas at some stage in recent years, some Western countries had introduced the term "interrelated" in order to play down the relationship among human rights. He would prefer to keep the word "interdependent" so as to avoid any interpretation of the word "interrelated" as a lower standard. In order to save time and reach a consensus, he would advocate the use of all three words, as suggested by Mr. Alvarez Vita.

34. Mr. KONATE asked whether Mr. Simma had any particular reason for insisting on the word "interrelated" in the second preambular paragraph of the English version, since "interdependent" had been used on two other occasions in the text. He had no problem with the French version, since the word "interrelated" had been translated as "interdépendant" and indeed had no other equivalent in French.

35. Mr. SIMMA explained that his use of the word "interrelated" in the preamble had been prompted simply by his concern to seek out, in General Assembly resolutions on the World Conference on Human Rights, an expression of principle that should equally be asserted by the Committee. The Third Committee resolution to which he had referred had been sponsored by 50 countries from all the regions of the world, including Germany, Mexico, Peru, Senegal and Poland. He believed he had done justice to Mr. Alvarez Vita's concerns by referring to interdependence on two other occasions in the operative part of the text, where the Committee was using its own wording and not quoting General Assembly resolutions.

36. Mr. ALVAREZ VITA pointed out that Committee members were independent experts and not representatives of States. The wording of Committee recommendations did not have to be aligned on that of General Assembly resolutions. Moreover, in the text now before the Committee he saw no reason why the second preambular paragraph should automatically follow on from the first, which merely recalled General Assembly resolutions. He would therefore press for the inclusion of the three words.

37. Mr. SIMMA drew attention to the second preambular paragraph of General Assembly resolution 45/155 on the World Conference on Human Rights which included the wording "indivisible and interrelated" in the English version, indivisibles e interrelacionados in the Spanish and indivisibles et interdépendants in the French. The incorporation of the three words into the English version of the text now before the Committee would therefore again pose the problem of different language versions - the very problem the Committee now faced. Logically, therefore, the text might just as well be left as it was.

38. The CHAIRMAN suggested that it should be left to the language services to find a suitable translation for the three words in all language versions.

39. Mr. SIMMA said that he would agree to the incorporation of all three words wherever they occurred in the text, subject to reconsideration of the question should the Language Services fail to provide a synonym for the word "interrelated" in all language versions.

40. The CHAIRMAN said that if there was no objection he would take it that the Committee agreed to include all three words wherever they occurred in the text, pending the alignment of the French version on the other versions in accordance with previous practice.

41. It was so decided.

42. The CHAIRMAN said that if there was no objection, he would take it that the Committee agreed on the draft text of document E/C.12/1991/WP.6 as a whole, as amended, pending consideration of the final version when the Committee adopted its report.

43. It was so decided.

44. The CHAIRMAN thanked the members of the sessional working group, especially Mr. Simma, for their contribution to the preparations for the World Conference on Human Rights.

ORGANIZATION OF WORK (agenda item 4) (continued)

Draft general comment on the right to adequate housing (article 11 (1) of the Covenant) (E/C.12/1991/CRP.2/Add.1)

45. The CHAIRMAN invited members of the Committee to consider, paragraph by paragraph, the draft general comment prepared by Mr. Simma.

Paragraph 1

46. Mr. MRATCHKOV said he wished to see the inclusion, either at the end of the first paragraph or as a separate paragraph, of a reference to the fact that the right to housing was one of the facets of the right to an adequate standard of living, seen in the context of article 11 of the Covenant as a whole. The rights listed in the first paragraph of article 11 were interdependent even if they were divisible.

47. Paragraph 1, as amended, was adopted.

Paragraphs 2-5

48. Paragraphs 2-5 were adopted.

Paragraph 6

49. Mr. MRATCHKOV said that the matter at hand was to determine the subjects of the right to housing. More emphasis should perhaps be placed on the aspect of the right to housing concerning the individual and his family. From a legal point of view, the concept of the family could be interpreted in a number of ways. He believed that in article 11 (1) of the Covenant it was meant in the broader sense, and suggested that that might be reflected in paragraph 6.

50. The CHAIRMAN said a statement to the effect that the family was to be defined broadly and not restricted to the nuclear family would be inserted in paragraph 6.

51. Paragraph 6, as amended, was adopted.

Paragraph 7

52. Mrs. BONOAN DANDAM asked for clarification of the syntax of the second sentence of paragraph 7.

53. Mr. SIMMA suggested that the words "somewhere to" should be deleted from the sentence.

54. Mr. WIMER ZAMBRANO said that, in the past, it had been the Committee's practice to deal with minor details of drafting at a later stage in the proceedings. He noted, for instance, that in the Spanish version of the document under consideration the word "roof" was rendered by tejado, whereas the correct word was techo. That, however, was not a matter of substance; such questions were best dealt with through informal contacts between members and the Secretariat.

55. The CHAIRMAN said that the Secretariat would take note of Mr. Wimer Zambrano's specific comment regarding the Spanish text, and of other details of drafting to which members might draw attention.

56. Mr. SIMMA proposed two additions to paragraph 7. In the first sentence, after the words "a roof over one's head ...", the words ", or views shelter exclusively as a commodity" should be inserted. The fifth sentence, beginning with the word "Thus", should conclude with the words ", most importantly, that housing rights should be ensured to all persons, irrespective of income or access to economic resources."

57. Mr. KONATE asked who was to ensure the housing rights referred to.

58. Mr. SIMMA said that the thrust of the proposed amendment was not that housing rights should be ensured, but that all persons should benefit from them, irrespective of income or access to economic resources. The housing rights might be ensured by the State, the private sector, or some parastatal institution.

59. Mr. KONATE hoped that the current proceedings merely constituted a first reading of the draft general comment. The right to housing was a fashionable concept, but the Committee must try to define its nature and content, rather than simply assuming that the only problem was to secure its application. Until such a definition had been established, the Committee should adopt the draft general comment on a preliminary basis only.

60. The CHAIRMAN confirmed that, at the current meeting, the Committee was seeking to adopt the draft merely on a preliminary basis; further revision could take place subsequently, if necessary, when the Committee came to adopt its final report on the sixth session. Furthermore, if adopted at the current session, the draft general comment could still of course be revised at subsequent sessions. One way of meeting Mr. Konate's concern might perhaps be to state that the draft general comment needed to be read in close conjunction with General Comment No. 3, which made it clear that, while it was incumbent upon States parties to ensure that rights were realized, the precise manner in which they did so was a matter for each State party to decide.

61. Mr. MRATCHKOV supposed that Mr. Simma had deduced the right to housing from the more general right to an adequate standard of living, set forth in article 11 (1) of the Covenant. If that was the case, the Committee should make the fact clear in the opening paragraphs of the draft general comment, thereby circumventing the legalistic problems that might arise from the fact that the right to housing was not specifically enshrined in the Covenant.

62. The CHAIRMAN took issue with the latter part of Mr. Mratchkov's comment, but agreed with the general thrust of his proposal. He understood that the proposal was also acceptable to Mr. Simma.

63. Mr. KONATE was adamant that the Committee should broaden the debate and avoid acting hastily. He respectfully submitted that the notion of a right to housing was something of a cliché. If there was a right to housing, of whom could one demand its performance? The text must answer that and other fundamental questions. The Committee needed more time to consider the issues, and should adopt the text at its following session, after a second reading.

64. Mr. MRATCHKOV said that the same problem would arise with regard to every single right set forth in the Covenant, without exception.

65. The CHAIRMAN asked whether, as an interim solution, Mr. Konate would agree to the addition of a sentence to the effect that, in relation to the question of obligations attaching to the right to housing, the Committee drew attention to its own General Comment No. 3 on the nature and scope of States parties' obligations.

66. Mr. KONATE said that the Chairman's proposal did not address his concern. The Committee was working for posterity. The draft general comment was a useful contribution to that work; but it was premature to talk in terms of a "right to housing", when no attempt had been made to define the content of that right. It must be made clear at the outset that the general comment was merely a first tentative appraisal of the issue.

67. The CHAIRMAN thought that the best course would be to continue with a first reading of the draft general comment with a view to identifying specific difficulties, before returning to the broader issues at a later date. Mr. Simma would take note of Mr. Konate's specific reservations with regard to paragraph 7.

68. Paragraph 7, as amended was adopted.

Paragraph 8

69. Mr. MRATCHKOV said that paragraph 8 (a) should include lease among the various forms of tenure listed. Furthermore, paragraph 8 (b) made no mention of space among the various essential facilities. "Housing" was, after all, a place where one spent most of one's life. Mr. Simma had doubtless considered space too obvious a facility to merit a mention.

70. Mr. KONATE asked how, if the Committee believed that it was possible to identify certain aspects of the right to housing that must be taken into account in any particular context, it could apply all the parameters listed to

African pygmies, for example, or to Eskimos. Legislations required minimum standards of comfort and safety with regard to human settlements; yet nothing in the text indicated that States must apply those minimum standards. The Committee should exercise flexibility and caution in its approach.

71. The CHAIRMAN suggested that Mr. Konate's concern could be addressed by inserting a phrase such as "as far as applicable" after the words "for this purpose" in the second sentence of paragraph 8.

72. Mr. SIMMA said that the same problem would arise with regard to all the rights set forth in the Covenant. While the aspects enumerated in paragraph 8 obviously applied primarily to the more developed countries, it had seemed best to proceed on the basis of conditions to which all persons could be assumed to aspire. In his view, the Chairman's suggestion would take care of Mr. Konate's concern.

73. Mr. MRATCHKOV said that in principle he shared Mr. Konate's concern. If the Committee were to stress the words "States parties recognize the right ...", the fact that those rights had, as it were, both a "credit" side and a "debit" side would be clearly underscored. Even Eskimos and pygmies lived in a State society, in which the State would assume responsibility for ensuring the enjoyment of those rights.

74. Mr. SIMMA proposed adding "energy for cooking, heating and lighting" to the list in paragraph 8 (b), and deleting the word "piped" before "drinking water".

75. Mrs. JIMENEZ BUTRAGUEÑO suggested that a better formulation of the expression la ocupación por el propietario in the Spanish text would be la vivienda en propiedad.

76. Mr. NENEMAN proposed amending the first sentence of paragraph 8 (d) so as to open with the words "Adequate housing must be habitable, in terms of climatic conditions, protecting the inhabitants from cold, heat, damp ...", etc.

77. Mr. SIMMA concurred with Mr. Neneman's suggestion. He also proposed replacing the words "deficient housing is invariably" with "deficient housing and living conditions are invariably", in the last phrase of paragraph 8 (d).

78. Mr. MARCHAN ROMERO wondered whether it was right to say that disadvantaged groups must be "accorded" access to adequate housing resources. Surely they had a right to those resources? The word "accorded" should be replaced by "guaranteed".

79. Mr. SIMMA thought the word "guaranteed" too strong. He proposed amending "accorded" to "ensured". He also drew attention to the request made by a number of non-governmental organizations, that "victims of natural disasters and people living in disaster-prone areas" should be added to the list of disadvantaged groups.

80. Mr. KONATE was opposed in principle to exhaustive lists of the situations in which individuals found themselves. In his view, the second sentence of paragraph 8 (e) should be amended so as to open with the words "Disadvantaged groups, including victims of natural disasters, must be ...". The third sentence should be deleted.

81. Mr. SIMMA said that he strongly favoured retaining the list of groups that were at a special disadvantage with regard to housing. However, it was for the Committee to decide on the matter.

The meeting rose at 6.05 p.m.